

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CIV S-04-1867 WBS JFM

vs.

REAL PROPERTY LOCATED AT 2363  
FAIRVIEW LANE, etc., ORDER

Defendants.

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Plaintiff's motion to exclude claimants Barbara and Richard Ryan's witnesses and documents not previously disclosed pursuant to Fed. R. Civ. P. 26 (a)(1) was calendared for hearing on August 25, 2005. Pursuant to Local Rule 78-230(h), the court has determined that the matter will be submitted on the papers without oral argument. Upon review of the motion and the documents in support and opposition, and good cause appearing therefor, THE COURT MAKES THE FOLLOWING FINDINGS:

Plaintiff's arguments concerning initial disclosure of discovery concerning claimants' potential innocent owner defense and standing are well taken. However, based on the procedural posture of this case, plaintiff will not be prejudiced by the late provision of claimants' discovery disclosures under Fed. R. Civ. P. 26(a). Good cause appearing, claimants will be

1 directed to provide initial disclosure as to any evidence they intend to use at trial in support of  
2 these two theories within ten days from the date of this order. Failure to comply with this order  
3 may result in the imposition of sanctions, including, but not limited to, an order excluding  
4 claimants' witnesses and documents from trial.

5 IT IS HEREBY ORDERED that:

6 1. Plaintiff's June 20, 2005 motion for sanctions and to exclude is denied without  
7 prejudice; and

8 2. Within ten days from the date of this order, claimants Barbara Ryan and  
9 Richard Ryan shall make initial disclosures pursuant to Fed. R. Civ. P. 26(a).

10 DATED: August 25, 2005.

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13 UNITED STATES MAGISTRATE JUDGE

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